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South African Consumer Protection Act Entered Into Force

Report Categories:

Biotechnology

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Report Highlights:

South Africa's Department of Trade and Investment enacted regulations that put the 2009 Consumer Protection Act into force on April 1, 2011. The Act contains several provisions requiring the labeling of agricultural products containing the presence of genetically modified organisms. These provisions generated substantial comments from the agricultural private sector, who felt the proposed provisions were unnecessary and increased production costs.

General Information:

The South African Department of Trade and Industry (DTI) published regulations in the Gazette that bring the R 293 Consumer Protection Act (68/2008) into enforcement on April 1, 2011. The Consumer Protection Act (CPA) was first published on April 24 2009 when the previous President of South Africa signed the Consumer Protection Bill into law. Implementation of the Act was delayed for some time as the legislation generated significant comments from the private sector over the basis of many provisions and uncertainty in how the Act would be enforced.

South Africa has approved the use of genetically modified organisms (GMO's) since 1992. Under the Act however, are several GMO labeling provisions that appear to have no scientific basis. Industry stakeholders informed DTI that these requirements have been considered vague and will only result in higher food prices as food manufacturers would pass the increased labeling and packing costs onto consumer.

According to the act:

- All food containing more than five percent genetically modified ingredients, whether produced in South Africa or elsewhere, needs to carry the declaration which states, "contains at least five percent genetically modified organisms" in a conspicuous and easily legible manner and size.
- Those products that contain less than five percent of genetically modified organisms (GMOs) may be labeled "Genetically modified content is below five percent".
- If it is impossible or not feasible to test goods for the presence of GMOs, the product must be labeled "may contain GMO ingredients".
- Less than one percent – may be labeled as does not contain genetically modified organisms

The regulation will come into effect six months after the commencement of the act. The GM Labeling Industry Working Group, headed up by the South African Agricultural Business Chamber, has called a meeting of industry stakeholders and Consumer Case Lawyers on May 10th to discuss and provide guidance on the Act.